



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

May 29, 2012

Ms. Sheila Desai, Remedial Project Manager SR-6J
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

US EPA RECORDS CENTER REGION 5



440968

Refer to: 1630505007 – St. Clair County
Old American Zinc/Fairmont City
Superfund/Technical Reports

Dear Ms. Desai:

This letter is in response to the May 2012 draft Record of Decision (ROD) for Old American Zinc. The Arsenic Cleanup Level (CL) proposed in the draft ROD was based on risk calculations and review of applicable or relevant and appropriate requirements (ARARs). EPA considered the 1×10^{-4} , 1×10^{-5} and 1×10^{-6} risk levels in developing the arsenic CL, which are 35 mg/kg, 3.5 mg/kg and 0.35 mg/kg, respectively. They also considered, and chose, the non-cancer Hazard Index of 32 mg/kg as the CL.

In comments for the Feasibility Study, Illinois EPA recommended the TACO state-wide background level (13 mg/kg) as the CL, but offered the alternative of determining a site-specific background value, as an alternative to the lower, risk-based concentrations, using the guidelines in 35 Ill. Admin. Code 742.400.

The draft ROD states that a site-specific background study for arsenic has not been conducted and because the site is located in an industrial area, the site-specific background concentration for arsenic may be higher than the state-wide background number. The draft ROD states that cleanup is generally not required to (emphasis added) background levels, "particularly in areas where the background may be unknown..."

EPA guidance advocates establishing site specific background to help with the myriad number of risk management issues that arise. If background is really unknown here, they have a data gap. See EPA's 2002 Policy Statement: "Role of Background in the CERCLA Cleanup Program" (OSWER 9285.6-07P). <http://www.epa.gov/oswer/riskassessment/pdf/role.pdf>

May 29 2012
Letter to Sheila Desai
Regarding Draft Record of Decision
Page 2 of 2

1630505007 – St. Clair County
Old American Zinc/Fairmont City
Superfund/Technical Files

EPA's 2002 Policy Statement regarding the "Role of Background in the CERCLA Cleanup Program" (OSWER 9285.6-07P) states:

"Generally, under CERCLA, cleanup levels are not set at concentrations below natural background levels. Similarly, for anthropogenic contaminant concentrations, the CERCLA program normally does not set cleanup levels below (emphasis added) anthropogenic background concentrations (EPA, 1996; EPA, 1997b; EPA, 2000). The reasons for this approach include cost-effectiveness, technical practicability, and the potential for recontamination of remediated areas by surrounding areas with elevated background concentrations."

Illinois EPA does not concur with the arsenic CL proposed in the draft ROD. The possibility that site-specific background may be higher than the state-wide background is the reason we offered site-specific background as an alternative to the state-wide background. If EPA wishes to establish an arsenic CL higher than state background, a site-specific arsenic background should be developed utilizing the guidelines established in 35 Ill. Adm. Code 742.400.

The statement in the second paragraph on page 39 should be revised for consistency with OSWER 9285.6-07P, i.e., "EPA does not generally require cleanup below (emphasis added) background levels...."


The selected CL is based on non-cancer risk. Because arsenic is a known carcinogen, Illinois EPA would not concur with a cleanup level based on non-cancer risk.

Sincerely,



Robert A. Carson, P.E.
Manager, Federal Facilities Unit

cc: Bureau of Land File
Doyle Wilson

 S:\RAC:H\Sites\Old American Zinc\Comments on Draft ROD.docx